



GABRIEL P. HARVIS  
BAREE N. FETT

June 16, 2017

**BY ECF**

Honorable Colleen McMahon  
Chief United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Jonathan Harris v. City of New York, et al.*, 15 CV 8456 (CM)

Your Honor:

I represent plaintiff Jonathan Harris in the above-referenced civil rights action. I write pursuant to Rule IV(C) of the Court's Individual Practices to respectfully request an order of reference to the assigned Magistrate Judge, the Hon. Ronald L. Ellis, for adjudication of open discovery disputes.

By way of background, this case challenges plaintiff Jonathan Harris's arrest by NYPD officers for his alleged possession of a scalpel; Mr. Harris denies possession. The Manhattan DA's office declined to prosecute because a scalpel is *per se* legal.

Defendants moved for partial summary judgment in May 2016 and the Court denied defendants' motion by order dated December 2, 2016. Plaintiff subsequently amended the complaint and an initial conference was held on April 7, 2017. The Court set a fact discovery deadline of July 31, 2017. Plaintiff served discovery demands at the initial conference.

Without seeking or obtaining plaintiff's consent, defendants failed to provide complete written responses to plaintiff's discovery demands within thirty days, and did not ultimately do so until May 25, 2017. The responses that were produced are deficient in several respects, and a wide variety of documents remain outstanding as of this writing, despite extensive efforts by plaintiff to meet and confer and resolve the issues without Court

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intervention. Additionally, defendants have refused to provide plaintiff with available dates for the defendant officers' depositions, ignoring repeated requests from plaintiff dating back to May 25, 2017. Plaintiff respectfully submits that defendants' intransigence now threatens plaintiff's ability to meet the July 31<sup>st</sup> discovery deadline, and that these disputes are ripe for judicial resolution.

Accordingly, plaintiff respectfully requests an order of reference to the assigned Magistrate Judge, the Hon. Ronald L. Ellis, so that plaintiff may seek adjudication of the foregoing.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Harvis', written over the printed name.

Gabriel P. Harvis

cc: Paul H. Johnson, Esq.